THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.7094 OF 2006

DATED: 01-02-2007

BETWEEN

Fayaz Mohammed, S/o. Late Shaik Rah Mohd,
Occ: Business, R/o. H.No.19-4-359, Kishan Bagh,
Hyderabad and others.

...PETITIONERS

AND

Commissioner of Police, Basheerbagh,
Hyderabad and others.

...RESPONDENTS

ORDER:

Petitioners seek a Writ of Mandamus to direct the respondents not to arrest or involve them in any case without any legal proof.

2. It is the case of the petitioners that they are doing business in Kirana and General stores and one Mr. Aziz and his wife are against them and they want the petitioner to vacate the locality. Based on the false telegrams sent by the said Aziz and his wife, the respondents are calling the petitioners to the police station day in and day out and they apprehend their arrest without their being any fault.

3. Counter has been filed by the respondents stating that a private complaint filed by one Smt. Ruqia Begum under Section 200 of the Code of Criminal Procedure, 1973, before the Chief Metropolitan Magistrate, Hyderabad against the petitioners was referred to the police for enquiry and investigation and accordingly a case in Cr.No.83 of 2006 was registered on 29.04.2006 for the

offence under Sections 383 and 506 of the Indian Penal Code, 1860 and investigation was taken up.

4. I am of the opinion that the petitioners suppressing the aforesaid facts filed this writ petition and in view of the registration of crime against the petitioners, they are not entitled for any relief in this writ petition.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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V. ESWARAIAH, J

February 1, 2007
DSK